

#### **DETAILED ACTION**

Amendment filed on 21 July 2008 has been acknowledged. Claims 51 – 64, 96 and 110 has been cancelled. Claims 93 – 95 are amended. Therefore, Claims 65 - 95, 97 – 98 and 111 – 112 are pending and examined as set forth.

#### ***Claim Objections***

1. Claims 73 - 74, 76 and 97 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 73 - 74, 76 and 97 depends from cancelled claim 51. Therefore, Claims 73 - 74, 76 and 97 are improper dependent claims.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 79 - 92, 98 and 112 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 79 recites the limitation of the menu tablet does not have a CPU.

However, the specification does not enable one of ordinary skill in the art on how the transferring/receiving and displaying steps are performed without a CPU.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 79 - 92, 98 and 112 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Claim 79 recites the limitation that the menu tablet does not have CPU. It is not clear that CPU refers to a general processor, a micro-processor or a specific processor. The specification as originally filed refers to a CPU as a "high functional CPU." However, the scope of the term "high functional" is unclear. For the purpose of examination a CPU can be any processor that performs multiple functions.

**Claims 80 - 92, 98 and 112 depends from claim 79. Therefore, Claims 80 - 92, 98 and 112 carry same deficiency.**

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 65 – 76 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable by Terase (US 7257547).**

**As per Claim 65,** Terase discloses

a computer server having a memory unit for storing menu data comprising menu items which may be ordered (Figure 1, Figure 2, Figure 7, Column 2 lines 42 – 47 and Column 4 lines 21 – 38 teaches a server or a store control unit with memory to store menu data);

a first transmitting and receiving device (T/R device) connected to said server for transmitting said menu data and receiving order commands (Figure 1, Figure 2, Figure 7, Column 2 lines 42 – 47 and Column 4 lines 21 – 38 and column 12 line 14 – 17 teaches server or store control unit transmits the menu data and receiving ordered dishes); and

a plurality of menu tablets each having a graphic display, input means for receiving order commands from a user and a second transmitting and receiving device (T/R device), said second T/R device, in communication with said first T/R device, for receiving said menu data from, and transmitting said order commands to, said server (Figure 1, Figure 2, Figure 7, Column 2 line 55 – 57, Column 4 lines 21 – 38, column 12 line 14 – 17, Column 13 lines 57 – 62 teaches table top terminal with picture display, wireless communication between server or store control unit and table top terminals,

and server or store control unit transmits order to the table top terminal and receives orders from the table top terminal);

the improvement wherein the menu tablet comprise means for sensing the location of the tablet within the facility (Abstract and Column 10 line 57 – Column 11 line 30 teaches table top terminal stores the table number by communication of table receptacle using wireless communication, and wireless communication is radio wave communication. Table receptacle further recognizes the identification code of the table top terminal. Therefore, the Examiner construes that table receptacle and table top terminal have equivalent function of RF communication with RFID tags).

**As per Claim 66,** Terase discloses wherein said menu data further comprises a price for each menu item (Column 3 lines 44 – 49).

**As per Claim 67,** Terase discloses a pay station, in communication with said server, for receiving price tally commands; and said second T/R transmitting price tally commands from said tablets to said server (Column 4 lines 22 – 37, Column 3 lines 44 – 49, and Column 9 lines 23 – 28).

**As per Claim 68,** Terase discloses a central facility comprising a central computer in communication with at least one order automation system, said central computer having a memory unit for storing the order commands from a number of order automation systems, and payment information associated therewith (Figure 2 and Column 13 lines 57 – 62).

**As per Claim 69,** Terase discloses wherein the central computer memory unit further stores payment information associated with the order commands (Column 13 lines 57 – 62).

**As per Claim 70,** Terase discloses wherein the graphic display transmitted from the server comprises pictures of the menu items (Column 11 lines 41 – 49).

**As per Claim 71,** wherein the graphic display transmitted from the server comprises compatibility information for the menu items (Column 11 lines 41 – 49 and Column 12 lines 3 – 8).

**As per Claim 72,** Terase discloses a facility's order display in communication with said server, for receiving and displaying order commands received from the computer server (Figure 1, Figure 2, Figure 7, and Column 12 lines 3 – 17 and 41 – 57).

**As per Claim 73,** Terase discloses said facility's order display further comprises a graphic display, and a third transmitting and receiving device (T/R device) in communication with said first T/R device, for receiving said order commands, and transmitting an order work started command to the server (Figure 1, Figure 6 S11, Figure 7, Column 11 line 41 – 49, Column 12 lines 3 - 17 and 41 - 57).

**As per Claim 74,** Terase discloses wherein said facility's order display further comprises a third transmitting and receiving device (T/R device) in communication with said second T/R device, for receiving said order commands, and transmitting a "food preparation started" command to the server (Figure 1, Figure 6 S11, Figure 7, Column 11 line 41 – 49, Column 12 lines 3 - 17 and 41 - 57).

**As per Claim 75**, Terase discloses wherein the menu tablet further comprises a low battery indicator (Column 14 line 5 – 16).

**As per Claim 76**, Terase discloses wherein the menu tablet further comprises battery charging contacts (Column 7 lines 19 – 21).

**As per Claim 78**, Terase discloses wherein the menu tablet further comprises means for viewing the Internet connection of the server (Column 3 lines 39 – 43).

**8. Claim 77 is rejected under 35 U.S.C. 103(a) as being unpatentable over Terase in view of Gillespie et al. (hereinafter Gillespie) (US 20020191029).**

**As per Claim 77**, Terase teaches all the elements of the claimed invention but is silent regarding wherein the menu tablet further comprises brightness/contrast controls.

Gillespie discloses touch screen with user interface enhancement having wherein the menu tablet further comprises brightness/contrast controls (paragraph 57).

Therefore, from this teaching of Gillespie, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify restaurant service management system of Terase to include brightness and contrast controls as taught by Gillespie to increase customer's convenience. Furthermore, all the claimed elements were known in Terase and Gillespie, and one of skilled in the art could have combined the brightness and contrast control on the touch sensitive LCD screen and touch

sensitive LCD screen as claimed by known methods with no change in their respective functions, and combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

**Claims 80 – 95, 97 – 98 and 111 – 112 have same or similar limitations as claims 65 - 78. Therefore, Claims 79 – 95, 97 – 98 and 111 – 112 are rejected under same rationale.**

9. **Claim 79 is rejected under 35 U.S.C. 103(a) as being unpatentable over Terase in view of Fernandez (US 4855725).**

As per Claim 79, as best understood, Terase discloses a computer server having a memory unit for storing menu data comprising menu items which may be ordered (Figure 1, Figure 2, Figure 7, Column 2 lines 42 – 47 and Column 4 lines 21 – 38 teaches a server or a store control unit with memory to store menu data); a first transmitting and receiving device (T/R device) connected to said server for transmitting said menu data and receiving order commands (Figure 1, Figure 2, Figure 7, Column 2 lines 42 – 47 and Column 4 lines 21 – 38 and column 12 line 14 – 17 teaches server or store control unit transmits the menu data and receiving ordered dishes); and

a plurality of menu tablets each having a graphic display, input means for receiving order commands from a user and a second transmitting and receiving device (T/R device), said second T/R device, in communication with said first T/R device, for receiving said menu data from, and transmitting said order commands to, said server (Figure 1, Figure 2, Figure 7, Column 2 line 55 – 57, Column 4 lines 21 – 38, column 12 line 14 – 17 , Column 13 lines 57 – 62 teaches table top terminal with picture display, wireless communication between server or store control unit and table top terminals, and server or store control unit transmits order to the table top terminal and receives orders from the table top terminal);

However, Terase is silent regarding the improvement wherein the menu tablets have no CPU and further silent on what specific hardware contains the portable terminal device.

Fernandez discloses interactive visual ordering system which discloses a portable terminal device that runs without the use of the CPU but rather a micro-processor which is considered by the Examiner not to be a CPU (Abstract where a microprocessor can handle receiving and storing data to interact with a user).

Therefore, from this teaching of Fernandez, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify remote ordering terminal device of Terase to include a microprocessor as taught by Fernandez to decrease the manufacturing cost versus costly CPU.

Furthermore, all the claimed elements were known in the prior arts of Terase and Fernandez, and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

***Response to Arguments***

10. Applicant's arguments filed on 21 July 2008 have been fully considered but they are not persuasive.

Application first argues, none of the reference teaches "the each tablet maybe sensed using RFID tags." In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the each tablet maybe sensed using RFID tags) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Examiner notes that Terase discloses a table receptacle which is attached to the table communicate with table top terminal/order terminal wirelessly using radio wave communication. Therefore, the Examiner construes that table receptacle and table top terminal have equivalent function of RF communication with RFID tags (Please refer above for the rejection and rationale on claim 65).

Application next argues, none of the reference teaches that menu tablet does not have CPU. The Examiner agrees that none of reference teaches that menu tablet does not have CPU. However, the claimed limitation causes the enablement, inoperative and lack of the utilities issues. Please refer above for 35 U.S.C 101 and 112, first paragraph, rejections.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mayer et al. (US20020026364) discloses electronic waiter system.

Liu (US 20040034564) discloses Wireless network system and method for managing a restaurant and enhancing patron service

Toth (US 20030078793) discloses enhanced customer-centric restaurant system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ig T. An whose telephone number is (571)270-5110. The examiner can normally be reached on Monday - Thursday from 9:30 AM to 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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